

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

NATALIE SOTO,

Plaintiff,

v.

WENDELL HOLMES, JR.,

Defendant.

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

MAY 21 2025

KEVIN P. WEIMER, Clerk
By: *Sby* Deputy Clerk

Civil Action No. 1:24-cv-02911-SDG

**DEFENDANT'S MOTION FOR LEAVE TO FILE SECOND MOTION
FOR SUMMARY JUDGMENT (OUT OF TIME)**

COMES NOW, Defendant Wendell Holmes, Jr., pro se, and respectfully requests leave of Court to file his Second Motion for Summary Judgment [Doc. 69] after the April 21, 2025 dispositive motion deadline, showing the Court as follows:

1. On April 21, 2025, Defendant timely filed his first motion for summary judgment [Doc. 57] but, due to time constraints and technical limitations, failed to include a Local Rule 56.1 Statement of Material Facts and certain key exhibits.

2. To correct this procedural oversight and ensure a complete record, Defendant filed a second summary judgment motion [Doc. 69] on April 28, 2025, attaching all required supporting documentation. Defendant filed this second motion in good faith and without intent to circumvent the Court's rules or deadlines.
3. In communications with Plaintiff's counsel and the Court, Defendant previously indicated his intent to seek leave to file the second motion, and he apologizes for the delay in filing this formal request.
4. As a pro se litigant, Defendant respectfully asks the Court to exercise its discretion and permit the late filing of the second motion, in the interest of justice and judicial efficiency. The second motion merely corrects procedural defects and consolidates Defendant's legal and factual arguments. It does not raise new claims or attempt to relitigate previously resolved matters.
5. No party will be prejudiced by granting this motion. The Plaintiff has already responded to Defendant's original motion, and the facts and arguments in the second motion are substantially similar.

WHEREFORE, Defendant respectfully requests that this Court grant leave to file his Second Motion for Summary Judgment [Doc. 69] nunc pro tunc and consider it as part of the record.

Respectfully submitted,

This 21 day of May, 2025.



Wendell Holmes, Jr., Pro Se
Mableton, GA 30126
404-664-2943
wendellholmesjr@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 21 day of May, 2025, I served a true and correct copy of the foregoing NOTICE OF FILING SUPPLEMENTAL EXHIBIT E IN SUPPORT OF DEFENDANT'S RESPONSE, along with attached Exhibit E, upon counsel of record for the Plaintiff by electronic mail and/or U.S. Mail, postage prepaid, addressed as follows:

Joseph W. Weeks
McNALLY WEEKS
125 Clairemont Ave., Suite 450
Decatur, GA 30030
jweeks@mcnallyweeks.com



Wendell Holmes, Jr., Pro Se

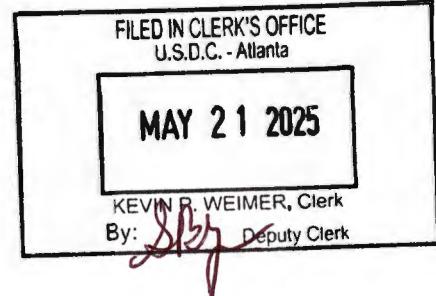
DEFENDANT'S SECOND MOTION FOR SUMMARY JUDGMENT

Filed by:

Wendell Holmes, Jr.

Pro Se Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION



Case No. 1:24-cv-02911-SDG

Natalie Soto, Plaintiff,

v.

Wendell Holmes, Jr., Defendant.

This filing is submitted as Exhibit A in support of Defendant's:

- Motion for Leave to File Second Motion for Summary Judgment,
- Response in Opposition to Plaintiff's Motion for Summary Judgment,
- Amended Counterclaim.

EXHIBIT LIST

Defendant respectfully incorporates by reference the exhibits previously filed in this case, which are cited throughout this motion and supporting declaration. These include:

- Exhibit A (Doc. 69-1): Photograph from the Pleasant Grove Missionary Baptist Church livestream depicting Defendant actively working at the time of his arrest.

- Exhibit B (Doc. 69-1): Screenshots and social media content contradicting Plaintiff's claims of emotional distress and showing voluntary public disclosures.
- Exhibit C (Doc. 69-1): Email correspondence from Pleasant Grove Missionary Baptist Church officially terminating Defendant's employment following the arrest.
- Exhibit D (Doc. 69-1): Financial documentation reflecting Defendant's loss of income and wages due to the termination of employment.
- Exhibit E (Doc. 77): Recent text and social media messages evidencing Plaintiff's role in orchestrating Defendant's arrest, her efforts to defame him, and her ongoing harassment. Filed on May 19, 2025.

These exhibits have been filed with the Court and are incorporated herein by reference pursuant to Fed. R. Civ. P. 10(c).

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

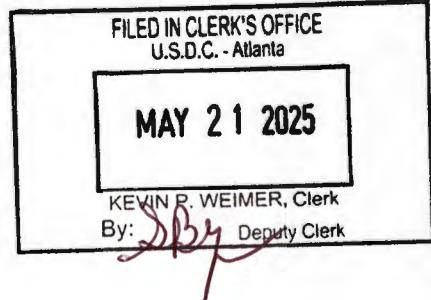
NATALIE SOTO,

Plaintiff,

v.

WENDELL HOLMES, JR.,

Defendant.



Civil Action No. 1:24-cv-02911-SDG

DEFENDANT'S SECOND MOTION FOR SUMMARY JUDGMENT

COMES NOW, Defendant Wendell Holmes, Jr., pro se, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully moves this Court for an order granting summary judgment in his favor on all claims brought by Plaintiff Natalie Soto, and in favor of Defendant on his counterclaims. In support of this Motion, Defendant states as follows:

1. Plaintiff's claims are unsupported by admissible evidence and rely on disputed facts that are contradicted by the record.
2. Plaintiff has failed to demonstrate any legally cognizable damages resulting from the Defendant's alleged actions.

3. Plaintiff's claims of emotional distress and reputational harm are refuted by her own social media activity and ongoing conduct, which demonstrate no signs of trauma, fear, or financial hardship.

4. Defendant's counterclaims for malicious prosecution, defamation, and intentional infliction of emotional distress are supported by credible evidence, including Plaintiff's admission that she contacted law enforcement for retaliatory purposes and spread defamatory statements about Defendant to third parties.

5. Plaintiff's misuse of the legal system, including the filing of false police reports and attempts to interfere with Defendant's employment, constitute abuse of process.

This Motion is supported by the accompanying Statement of Undisputed Material Facts, the Declaration of Wendell Holmes, Jr., and attached Exhibits A through E.

WHEREFORE, Defendant respectfully requests that the Court grant summary judgment in his favor on all claims and counterclaims, and award any such other relief as the Court deems just and proper.

Respectfully submitted,

This 21 day of May, 2025.



Wendell Holmes, Jr., Pro Se
Mableton, GA 30126
404-664-2943
wendellholmesjr@gmail.com

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

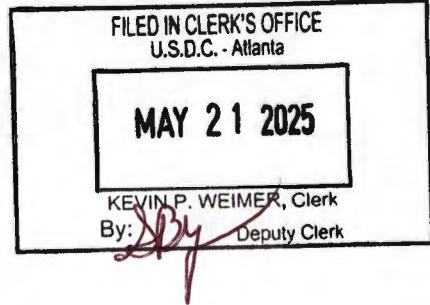
NATALIE SOTO,

Plaintiff,

v.

WENDELL HOLMES, JR.,

Defendant.



Civil Action No. 1:24-cv-02911-SDG

**DEFENDANT'S STATEMENT OF UNDISPUTED MATERIAL FACTS
IN SUPPORT OF HIS SECOND MOTION FOR SUMMARY
JUDGMENT**

Pursuant to Local Rule 56.1(B)(1), Defendant Wendell Holmes, Jr. submits this Statement of Undisputed Material Facts in support of his Second Motion for Summary Judgment:

1. Plaintiff Natalie Soto and Defendant Wendell Holmes, Jr. were previously engaged in a consensual friendship that ended in late December of 2023.
2. On or about February 22, 2024, Plaintiff contacted Defendant via text message demanding money and threatening to expose personal details to Defendant's wife. (See Declaration in Support of Motion for Summary Judgment)

- 3. After being blocked by Defendant, Plaintiff proceeded to contact Defendant's wife, sister-in-law, and church associates, sharing intimate images and making defamatory statements about Defendant. (See Exhibit E.)**
- 4. Plaintiff admits in text messages to orchestrating Defendant's arrest on Father's Day, June 16, 2024, by contacting police while watching Defendant perform via livestream at church. (See Exhibit E.)**
- 5. Plaintiff's actions led to Defendant's public arrest during a worship service, resulting in termination from his employment with Pleasant Grove Missionary Baptist Church. (See Exhibit A and C)**
- 6. Defendant was subsequently unable to secure equivalent work due to reputational harm and emotional distress. (See Declaration of Wendell Holmes, Jr.)**
- 7. Plaintiff's continued harassment includes sharing nude images of herself and another woman with a third party (E. Talley), mocking Defendant's need for an emotional support dog, and encouraging defamatory social media posts. (See Exhibit E.)**
- 8. Plaintiff has posted multiple videos and messages online that contradict her claims of emotional and financial distress. (See Exhibits B and E.)**

These facts are supported by the evidence cited herein and establish that no genuine issue of material fact exists regarding the key issues in this case.

Respectfully submitted, this 21 day of May, 2025.



Wendell Holmes, Jr., Pro Se

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of the foregoing on all counsel of record via the Court's CM/ECF system and by email to:

Joseph W. Weeks
McNALLY WEEKS
125 Clairemont Ave., Suite 450
Decatur, GA 30030
jweeks@mcnallyweeks.com

This 21 day of May, 2025.



Wendell Holmes, Jr.

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

NATALIE SOTO,

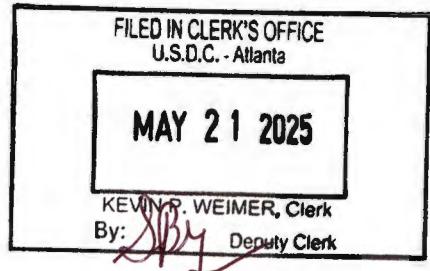
Plaintiff,

v.

WENDELL HOLMES, JR.,

Defendant.

Civil Action No. 1:24-cv-02911-SDG.



DEFENDANT'S DECLARATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

I, Wendell Holmes, Jr., declare under penalty of perjury that the following statements are true and correct to the best of my knowledge, information, and belief:

1. My name is Wendell Holmes, Jr., and I am the Defendant in the above-captioned case. I make this Declaration based on my personal knowledge.
2. I did not unlawfully or intentionally distribute any intimate images of Plaintiff with the purpose of harassment, intimidation, or harm.
3. After months of no communication between Plaintiff and me, Plaintiff contacted me demanding money for a veterinary surgery and threatening to contact my wife if I did not comply.
4. When I refused Plaintiff's monetary demands, she began contacting members of my family, including my wife and sister-in-law, and threatened to publicly expose me.
5. Plaintiff also posted derogatory information about me on social media, falsely portraying me in a negative light to the public.
6. Plaintiff's online postings and contacts with my family caused significant emotional distress, reputational harm, and disruption to my personal and professional life.

7. Plaintiff contacted my employer, Pleasant Grove Missionary Baptist Church, and as a result of her actions, I was arrested during a church service on June 16, 2024, and subsequently terminated from my employment. As a direct consequence of Plaintiff's actions, I suffered reputational harm, lost my primary source of income, and experienced significant emotional distress.
8. Prior to my termination, I earned \$400 per Sunday service, totaling approximately \$1,600 per month, with additional income from extra services, teaching, studio recording, and musical gigs, often paid in cash.
9. The public nature of my arrest, combined with Plaintiff's online conduct, made it extremely difficult for me to secure future employment opportunities as a self-employed musician, including church work, private events, studio recording, and teaching opportunities.
10. I respectfully submit this Declaration in support of my Motion for Summary Judgment and in opposition to Plaintiff's claims.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21 day of May, 2025.



Wendell Holmes, Jr., Pro Se

5934 Rosie Lane, SE

Mableton, GA 30126

wendellholmesjr@gmail.com

CERTIFICATE OF SERVICE

I certify that on May 21 2025, I filed this Response via email, which will serve:

Joseph W. Weeks

McNALLY WEEKS

125 Clairemont Ave., Suite 450

Decatur, GA 30030 jweeks@mcnallyweeks.com

